IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12659 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SEJALKUMARI BIPINCHANDRA PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR BD KARIA for Petitioner

MS MINAXI MEHTA for MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 13/12/2000

ORAL JUDGEMENT

1. Rule. Ms. Minaxi Mehta for Mr. Akshay Mehta learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondent.

2. The petitioner has filed this petition for a

direction to the respondent - Regional Passport Officer, Ahmedabad to issue passport showing the place of birth as BURHANPUR.

3. The learned counsel for the petitioner submitted that the petitioner has applied for international passport and in the application form erroneously the place of birth has been mentioned as ANAND. The learned counsel for the petitioner further submitted that the petitioner was actually born at Burhanpur in Madhya Pradesh and birth certificate issued by the Director of Economics and Statistics Madhya Pradesh dtd.8/4/1880 also shows that the petitioner was born at Burhanpur. The learned counsel for the petitioner further submitted that the respondent is neither allowing the petitioner to correct the place of birth of the petitioner in the application form nor he is issuing passport to the petitioner.

4. Ms. Minaxi Mehta for Mr. Akshay Mehta learned Additional Central Government Standing Counsel representing the respondent submitted that if the petitioner submits the original documents showing his place of birth as Burhanpur in Madhya Pradesh, then there may not be any objection in correcting the place of the birth of the petitioner in the passport and issue passport accordingly.

5. Hearing the learned counsels representing the parties, I am of the view that the respondent Revisional Passport Officer, Ahmedabad should consider the prayer of the petitioner for change of his place of birth in the application form and issue the passport accordingly, subject to his production of original documents namely Birth Certificate issued by the local authority. Accordingly the petitioner may produce relevant documents showing his place of birth at Burhanpur in M.P. especially birth certificate issued by the local authority. If such documents are produced before the respondent authority, then the respondent shall consider the same and if the respondent is satisfied from the documents, then he shall allow the petitioner to correct the application form and thereafter the respondent may provide passport accordingly. It appears that there is no error on the part of the respondent as the information regarding the place of birth was intimated by the petitioner himself. If any correction is made pursuance to the documents which will be producd by the petitioner before the respondent authority and if the respondent allows the petitioner to make such correction in the application form, then in that event, the petitioner

shall pay a cost of Rs.1500/- to the respondent as cost of correction.

6. With the aforesaid observations and directions, the petition is disposed of accordingly. Rule is made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

Rafik